



Indiana Department of Environmental Management

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Michael R. Pence
Governor

Carol S. Comer
Commissioner

November 17, 2016

VIA ELECTRONIC MAIL

Mr. Robert E. Childress, Jr.
Sun Energy Group, LLC
2701 West CR 1100 South
Huntingburg, Indiana 47542

Dear Mr. Childress:

Re: Approval of Request to Modify
NPDES General Permit No. ING040250
IDNR #S-0367
Sun Energy Group LLC Hilsmeier #2 Mine
2701 W. County Road 1100 S.
Huntingburg, IN
Pike County

Our office has received your NPDES Notice of Intent submittal dated October 5, 2016, for modification of general permit coverage for the above-referenced site. As a result of this request the following changes are being made to this permit coverage:

New Post-Mining status Outfall 134 (latitude 38°, 16', 13", longitude -87°, 05', 38", discharging to an unnamed tributary to Cup Creek) is to be added for coverage;

Existing Outfall 016 (latitude 38°, 17', 31", longitude -87°, 05', 28", discharging to an unnamed tributary to Rock Creek) is to be assigned an Alkaline mine drainage status; and

Existing **Outfalls 010, 032, and 034** (latitudinal and longitudinal coordinates and receiving streams as listed on Attachment 1) are to be removed from coverage.

We have reviewed your request and determined that the activities associated with it are not the result of any new or expanded permitted mining operations. This request involves the removal of Outfall 034, whose watersheds will instead discharge through the proposed new outfall 134. Mining activity is a process of sequential coal removal and reclamation and as mining progresses and reclamation follows these activities will not result in any unanticipated discharges to a receiving stream.

The request was processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. We have been in contact with representatives of the IDNR in Jasonville, Indiana, who agree that the requested outfalls listed above may be removed from service. They also concur that Outfall 016 should be returned to an Alkaline mine drainage status due to additional grading operations within its watershed.

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Our office concurs that as the proposed new outfall already existed in series with existing Outfall 034 adding it for coverage now will not affect Sun Energy Group's Hilsmeier #2 Mine's ability to meet the reporting requirements nor will it affect the site's eligibility for coverage under the general permit rules outlined in 327 IAC 15-1 through 15-4 and 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities.

We cannot, however, assign it the 034A designation that you have requested as our databases have specific uses for the letter characters in the identification of outfalls. Therefore we have assigned this new outfall the designation 134. All other characteristics of this outfall remain unchanged. With this single exception your petition to amend your permit coverage as is described in your October 5, 2016 letter and attached submittal has been approved in accordance with Indiana rules promulgated under 327 IAC 15-7 and 327 IAC 2-1.3.

With this correspondence IDEM is also correcting the mine drainage status of existing Outfall 009. In the Attachment 1 to the previously issued permit modification approval dated May 13, 2016 this outfall was mistakenly changed from Alkaline to Post Mining drainage status. Coverage for the facility will now include all outfalls listed on the Attachment 1 to this correspondence, which includes changing Outfall 009 back to an Alkaline mine drainage status.

The NPDES general permit coverage number assigned to this facility in the previous approval will continue to apply. Reporting is to be done using the federal Discharge Monitoring Report (DMR) form and the state Monthly Monitoring Report (MMR) form. The MMR form can be found on the internet at <http://www.in.gov/idem/cleanwater/2396.htm>. Both the state and federal forms need to be completed and submitted on a routine basis. Please note that IDEM will no longer accept paper DMR or MMR forms after December 28, 2016. After that date all NPDES permit holders are required to submit their monitoring data to IDEM using NetDMR. Please contact Helen Demmings at (317) 232-8815 if you would like more information on NetDMR. Information is also available on our website at <http://IN.gov/idem/cleanwater/2422.htm>

These modifications and corrections shall be deemed effective on **October 1, 2016**, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on **July 31, 2020**. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that IDEM shall serve notice of its decision to approve the modification of general permit coverage for your facility under the general permit in accordance with the requirements of 327 IAC 5-3-14. It should also be noted that any appeal must be filed under procedures outlined in IC 13-15-6, IC 4-21.5-3-7, and the enclosed Public Notice. The appeal must be initiated by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the emailing of an electronic copy of this letter or within eighteen (18) days of the mailing of this letter by filing at the following address:

Office of Environmental Adjudication
Indiana Government Center North
100 North Senate Avenue, Room 501
Indianapolis, IN 46204

Please send a copy of any written appeal to me at the IDEM, Office of Water Quality, 100 North Senate Avenue, Indianapolis, Indiana 46204-2251.

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The Office of Environmental Adjudication will provide parties who request review of this approval with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our office at (317) 232-8703.

Sincerely,



Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Slj/

Attachment

CC: Pike County Health Department
Thomas Allinder- Sun Energy Group LLC
Todd Huff- IDNR

ATTACHMENT 1

Sun Energy Group LLC- Hilsmeier #2 Mine

NPDES PERMIT NO. ING040250

EFFECTIVE DATE: October 1, 2016

IDNR PERMIT NO. S-0367

OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
004	SP-4	38°, 16', 10"	-87°, 05', 29"	Post-Mining	Unnamed Tributary of Cup Creek
005	SP-5	38°, 16', 12"	-87°, 05', 41"	Post-Mining	Unnamed Tributary of Cup Creek
007	SP-7	38°, 16', 56"	-87°, 05', 36"	Alkaline	Unnamed Tributary of Rock Creek
008	SP-8	38°, 16', 47"	-87°, 05', 48"	Post-Mining	Unnamed Tributary of Cup Creek
009	SP-9	38°, 16', 42"	-87°, 05', 40"	Alkaline	Unnamed Tributary of Cup Creek
011	SP-11	38°, 16', 26"	-87°, 05', 40"	Post-Mining	Unnamed Tributary of Cup Creek
012	SP-12	38°, 16', 38"	-87°, 05', 26"	Post-Mining	Unnamed Tributary of Rock Creek
013	SP-13	38°, 16', 13"	-87°, 05', 24"	Post-Mining	Unnamed Tributary of Cup Creek
014	SP-14	38°, 17', 21"	-87°, 05', 39"	Post-Mining	Unnamed Tributary of Rock Creek
016	SP-16	38°, 17', 31"	-87°, 05', 28"	Alkaline	Unnamed Tributary of Rock Creek
017	SP-17	38°, 17', 32"	-87°, 05', 40"	Post-Mining	Unnamed Tributary of Cup Creek
019	SP-19	38°, 15', 58"	-87°, 05', 13"	Post-Mining	Unnamed Tributary of Cup Creek
020	SP-20	38°, 15', 53"	-87°, 04', 57"	Post-Mining	Unnamed Tributary of Sugar Creek
025	SP-25	38°, 17', 29"	-87°, 05', 46"	Post-Mining	Unnamed Tributary of Cup Creek
026	SP-26	38°, 17', 28"	-87°, 05', 47"	Post-Mining	Unnamed Tributary of Cup Creek
027	SP-27	38°, 16', 07"	-87°, 05', 12"	Post-Mining	Unnamed Tributary of Cup Creek
029	SP-29	38°, 15', 52"	-87°, 05', 15"	Post-Mining	Unnamed Tributary of Cup Creek

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030	SP-30	38°, 15', 53"	-87°, 05', 14"	Post-Mining	Unnamed Tributary of Cup Creek
031	SP-31	38°, 15', 38"	-87°, 05', 02"	Post-Mining	Unnamed Tributary of Cup Creek
036	SP-36	38°, 16', 44"	-87°, 05', 55"	Alkaline	Unnamed Tributary of Cup Creek
<u>134</u>	<u>SP-34A</u>	<u>38°, 16', 13"</u>	<u>-87°, 05', 38"</u>	<u>Post-Mining</u>	<u>Unnamed Tributary of Cup Creek</u>

The following outfalls have been removed and are no longer covered under this permit:

001	SP-1	38°, 17', 07"	-87°, 05', 31"	Undetermined	Unnamed Tributary of Rock Creek
002	SP-2	38°, 16', 45"	-87°, 05', 31"	Undetermined	Unnamed Tributary of Rock Creek
003	SP-3	38°, 16', 33"	-87°, 05', 21"	Undetermined	Unnamed Tributary of Rock Creek
006	SP-6	38°, 16', 36"	-87°, 05', 52"	Undetermined	Unnamed Tributary of Cup Creek
<u>010</u>	SP-10	38°, 16', 30"	-87°, 05', 26"	Post-Mining	Unnamed Tributary of Rock Creek
015	SP-15	38°, 16', 40"	-87°, 05', 59"	Never constructed	Unnamed Tributary of Cup Creek
018	SP-18	38°, 16', 05"	-87°, 05', 03"	Never constructed	Unnamed Tributary of Rock Creek
021	SP-21	38°, 15', 49"	-87°, 05', 12"	Never constructed	Unnamed Tributary of Cup Creek
022	SP-22	38°, 15', 37"	-87°, 05', 00"	Never constructed	Unnamed Tributary of Cup Creek
023	SP-23	38°, 15', 37"	-87°, 05', 01"	Never constructed	Unnamed Tributary of Cup Creek
024	SP-24	38°, 16', 56"	-87°, 05', 50"	Never constructed	Unnamed Tributary of Rock Creek
028	SP-28	38°, 15', 43"	-87°, 05', 26"	Already removed	Unnamed Tributary of Cup Creek
<u>032</u>	SP-32	38°, 15', 37"	-87°, 04', 59"	Post-Mining	Unnamed Tributary of Cup Creek
033	SP-33	38°, 16', 05"	-87°, 05', 21"	Never constructed	Unnamed Tributary of Cup Creek
<u>034</u>	SP-34	38°, 16', 10"	-87°, 05', 40"	Post-Mining	Unnamed Tributary of Cup Creek
035	SP-35	38°, 15', 56"	-87°, 05', 28"	Never constructed	Unnamed Tributary of Cup Creek

**STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

PUBLIC NOTICE NO. 2016 – 11D -GP

DATE OF NOTICE: November 17, 2016

The Office of Water Quality issues the following **NPDES GENERAL PERMIT**.

MODIFICATION

SUN ENERGY GROUP LLC – HILSMEYER #2 MINE, Permit No. ING040250, PIKE COUNTY, Huntingburg, IN. This facility discharges non-process wastewater. This modification is being issued because the facility is changing mine drainage status on 2 outfalls, deleting 3 outfalls and adding 1 outfall. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

Notice of Right to Administrative Review [Permits]

If you wish to challenge this permit, you must file a Petition for Administrative Review with the Office of Environmental Adjudication (OEA), and serve a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7, IC 13-15-6-1 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the issuance of this notice (eighteen (18) days if you received this notice by U.S. Mail), and a copy must be served upon IDEM. Addresses are:

Director
Office of Environmental Adjudication
Indiana Government Center North
Room 501
100 North Senate Avenue
Indianapolis, Indiana 46204

Commissioner
Indiana Department of Environmental Management
Indiana Government Center North
Room 1301
100 North Senate Avenue
Indianapolis, Indiana 46204

The petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. A description of each petitioner's interest in the permit.
3. A statement of facts demonstrating that each petitioner is:
 - a. a person to whom the order is directed;
 - b. aggrieved or adversely affected by the permit; or
 - c. entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The alleged environmental concerns or technical deficiencies of the permit.
7. The permit terms and conditions that the petitioner believes would be appropriate and would comply with the law.
8. The identity of any persons represented by the petitioner.
9. The identity of the person against whom administrative review is sought.
10. A copy of the permit that is the basis of the petition.
11. A statement identifying petitioner's attorney or other representative, if any.

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of your right to seek administrative review of the permit. Examples are:

1. Failure to file a Petition by the applicable deadline;
2. Failure to serve a copy of the Petition upon IDEM when it is filed; or
3. Failure to include the information required by law.

If you seek to have a permit stayed during the administrative review, you may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1.

Pursuant to IC 4-21.5-3-17, OEA will provide all parties with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. If you are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding you must submit a written request to OEA at the address above.

If you have procedural or scheduling questions regarding your Petition for Administrative Review you may contact the Office of Environmental Adjudication at (317) 232-8591 or see OEA's website at <http://www.in.gov/oea>.



Indiana Department of Environmental Management
 NPDES General Permit Notice of Intent (NOI) Letter Submittal Application
 327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

I. PURPOSE OF SUBMITTAL:

Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.

NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
		X	ING040250	Status Change to alkaline for OUTFALL 016 Requesting Removal of outfalls 010, 032, & 034 Add Outfall 34A

II. GENERAL INFORMATION

Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.

a. APPLICANT NAME (TO THE ATTENTION OF)			e. FACILITY SIC CODE		f. FACILITY COUNTY		g. DNR PERMIT OR AML SITE NUMBER		
ROBERT E. CHILDRESS, JR.			1221		PIKE		S-367		
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS				h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER					
COMPANY NAME				Latitude			Longitude		
SUN ENERGY GROUP, LLC									
STREET ADDRESS				degree	minute	second	degree	minute	
2701 WEST 1100 SOUTH				38	16	45	-87	05	
CITY									
HUNTINGBURG									
STATE									
IN									
ZIP CODE									
47542									
c. FACILITY NAME				i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION					
SUN ENERGY GROUP, LLC - HILSMAYER MINE # 2				Township		Range		Section	
				3S		6W		5	
								Quartersection	
								SW ¼ NE ¼	
d. FACILITY MAILING ADDRESS				j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM IId					
STREET ADDRESS				STREET ADDRESS					
2701 WEST 1100 SOUTH				OLD STATE ROAD 64					
CITY				CITY		STATE		ZIP CODE	
HUNTINGBURG				HOLLAND		IN		47541	
STATE									
IN									
ZIP CODE									
47542									

III. CONTACT INFORMATION AUTHORIZED SIGNATORY

This section applies to the responsible corporate officer and/or alternate person who is authorized in writing by the responsible corporate officer to carry signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable. If the signatory is not a corporate officer please also submit the letter from the responsible corporate officer granting him/her this authority.

a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE		d. ALTERNATE PERSON TO ANSWER QUESTIONS	
ROBERT E CHILDRESS, JR.- Member		TERRY KISSEL	
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE		e. ALTERNATE PERSON'S TELEPHONE	
(812) 683-1178		(812) 683-1178	
c. APPLICANT EMAIL ADDRESS		f. ALTERNATE PERSON'S EMAIL ADDRESS	
SEG@sunenergygrp.net		seg@sunenergygrp.net	

IV. CONTACT INFORMATION OTHER:

DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. <u>CONTACT AND COMPANY NAME</u> Terry Kissel Sun Energy Group, LLC		
a. <u>CONTACT TELEPHONE NUMBER</u> (812) 683-1178		d. <u>STREET ADDRESS</u> 2701 West 1100 South		
b. <u>CONTACT EMAIL ADDRESS</u> seg@sunenergygrp.net		e. <u>CITY</u> Huntingburg	f. <u>STATE</u> IN	g. <u>ZIP CODE</u> 47542
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		j. <u>COMPANY AND CONTACT PERSON NAME</u> Cheryl Childress Sun Energy Group, LLC		
h. <u>CONTACT TELEPHONE NUMBER</u> (812) 683-1178		k. <u>STREET ADDRESS</u> 2701 West 1100 South		
i. <u>CONTACT EMAIL ADDRESS</u> SEG@sunenergygrp.net		l. <u>CITY</u> Huntingburg	m. <u>STATE</u> IN	n. <u>ZIP CODE</u> 47542
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)		q. <u>COMPANY AND CONTACT PERSON NAME</u>		
N/A		N/A		
o. <u>CONTACT TELEPHONE NUMBER</u>		r. <u>STREET ADDRESS</u>		
p. <u>CONTACT EMAIL ADDRESS</u>		s. <u>CITY</u>	t. <u>STATE</u>	u. <u>ZIP CODE</u>

V. RULE QUALIFICATION:

The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.

Does this facility meet these requirements? (please check one) YES ☒ NO ☐

Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.

Surface water runoff from surface mine is influent into basins. Water treatment as may be needed before discharge.

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS

a. IDEM OUTFALL NO.	b. DNR BASIN NO	c. LATITUDE			d. LONGITUDE			e. DRY WEATHER BASE FLOW	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER <u>OR if</u> g is YES name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
004	SP-4	38	16	10	-87	05	29	0	Post mining	Y / <input type="checkbox"/>	Unnamed Tributary to Cup Creek
005	SP-5	38	16	12	-87	05	41	0	Post mining	Y / <input type="checkbox"/>	Unnamed Tributary to Cup Creek
007	SP-7	38	16	56	-87	05	36	0	alkaline	Y / <input type="checkbox"/>	Unnamed Tributary to Rock Creek
008	SP-8	38	16	47	-87	05	48	0	Post mining	Y / <input type="checkbox"/>	Unnamed Tributary to Cup Creek
009	SP-9	38	16	42	-87	05	40	0	Post mining	Y / <input type="checkbox"/>	Unnamed Tributary to Cup Creek
010	SP-10	38	16	30	-87	05	26	0	Post mining	Y / <input type="checkbox"/>	Unnamed Tributary to Rock Creek
011	SP-11	38	16	26	-87	05	40	0	Post mining	Y / <input type="checkbox"/>	Unnamed Tributary to Cup Creek
012	SP-12	38	16	38	-87	05	26	0	Post mining	Y / <input type="checkbox"/>	Unnamed Tributary to Rock Creek
013	SP-13	38	16	13	-87	05	24	0	Post mining	Y / <input type="checkbox"/>	Unnamed Tributary to Cup Creek
014	SP-14	38	17	21	-87	05	39	0	Post mining	Y / <input type="checkbox"/>	Unnamed Tributary to Rock Creek
016	SP-16	38	17	31	-87	05	28	0	Post mining	Y / <input type="checkbox"/>	Unnamed Tributary to Rock Creek
017	SP-17	38	17	32	-87	05	40	0	Post mining	Y / <input type="checkbox"/>	Unnamed Tributary to Cup Creek
019	SP-19	38	15	58	-87	05	13	0	Post mining	Y / <input type="checkbox"/>	Unnamed Tributary to Cup Creek
020	SP-20	38	15	53	-87	04	57	0	Post mining	Y / <input type="checkbox"/>	Unnamed Tributary to Sugar Creek
025	SP-25	38	17	29	-87	05	46	0	Post mining	Y / <input type="checkbox"/>	Unnamed Tributary to Cup Creek
026	SP-26	38	17	28	-87	05	47	0	Post mining	Y / <input type="checkbox"/>	Unnamed Tributary to Cup Creek
027	SP-27	38	16	07	-87	05	12	0	Post mining	Y / <input type="checkbox"/>	Unnamed Tributary to Cup Creek
029	SP-29	38	15	52	-87	05	15	0	Post mining	Y / <input type="checkbox"/>	Unnamed Tributary to Cup Creek
030	SP-30	38	15	53	-87	05	14	0	Post mining	Y / <input type="checkbox"/>	Unnamed Tributary to Cup Creek
031	SP-31	38	15	38	-87	05	02	0	Post mining	Y / <input type="checkbox"/>	Unnamed Tributary to Cup Creek
032	SP-32	38	15	37	-87	04	59	0	Post mining	Y / <input type="checkbox"/>	Unnamed Tributary to Cup Creek
034	SP-34	38	16	10	-87	05	40	0	Post mining	Y / <input type="checkbox"/>	Unnamed Tributary to Cup Creek
034A	SP-34A	38	16	13	-87	05	38	0	Post Mining	Y / <input type="checkbox"/>	Unnamed Tributary to Cup Creek
036	SP-36	38	16	44	-87	05	55	0	alkaline	Y / <input type="checkbox"/>	Unnamed Tributary to Cup Creek

Note: * In column a above denotes unconstructed outfalls

VIII. TOPOGRAPHICAL MAP

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

See Attachment Portion of the Velpen USGS Topographic Quadrangle

IX. PROOF OF PUBLICATION

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and/or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:
 Office of Environmental Adjudication
 Indiana Government Center – North
 100 North Senate Avenue, Room N501
 Indianapolis, Indiana 46204"

Publication of the newspaper notice is not required for modifications.

X. POTENTIALLY AFFECTED PERSONS FORM

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

No additional persons are potentially affected by the proposed modifications. All potentially affected persons were included in original permit NOI application.

XI. REQUIRED FEES:

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

Please list amount submitted \$ 50.00, attach to and submit with application.
 Checks or money orders shall be made payable to IDEM.

XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

A copy of this application was sent to Pete Sartoris with IDNR - DOR on 3/21/2016

XIII. CERTIFICATION STATEMENT

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

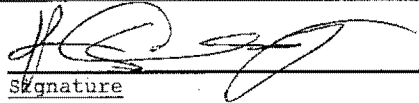
"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Robert E. Childress, Jr.
Member

Name and official title (type or print)

(812) 683-1178

Area Code and phone No.


Signature

10/4/2016

Date signed

Submit completed form and attachments to the following address:

**Indiana Department of Environmental Management
Office of Water Quality – Mail Code 65-42
NPDES Permits Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251**

JORDAN, SHERI

From: Lorenzo, Jeanne E.
Sent: Thursday, October 13, 2016 9:49 AM
To: Hess, Catherine
Cc: JORDAN, SHERI; Huff, Todd A
Subject: RE: ING040250, SMCRA S-00367 Sun Energy Hilsmeier #2 Mine modifications

All,

With this change, we are good to go on the revision as requested.

Jeanne

From: Hess, Catherine
Sent: Thursday, October 13, 2016 9:34 AM
To: JORDAN, SHERI; Lorenzo, Jeanne E.
Cc: Huff, Todd A
Subject: RE: ING040250, SMCRA S-00367 Sun Energy Hilsmeier #2 Mine modifications

FYI, yesterday we received a new modification request from Sun Energy Group which asks that we disregard the previously submitted (June 9) modification request because "landowners have approached Sun Energy to request that impoundments 019 and 034A be left as permanent". I have attached a scanned copy of the new modification request.

Catherine Hess, Chief

Office of Water Quality, Permits Administration Section
 Indiana Department of Environmental Management
 (800) 451-6027, ext. 28704 (toll free within IN)
 (317) 232-8704
chess@idem.IN.gov

From: JORDAN, SHERI
Sent: Friday, September 23, 2016 3:37 PM
To: Lorenzo, Jeanne E.
Cc: JORDAN, SHERI; Hess, Catherine; Huff, Todd A
Subject: FW: ING040250, SMCRA S-00367 Subn Energy Hilsmeier #2 Mine modifications

Hi Jeanne,

This is the request I was referring to in the phone messages I just left you. I'm attaching the inspection report that Terry Kissel sent me today. As you can see we have a Basin 034a that doesn't correspond to any outfall, and an Outfall 019 that doesn't correspond to any basin. I have attached a map from their file that shows where the NPDES outfalls are located. I thought perhaps you might be able to tell from this map if Outfall 019 and Basin 034a correspond.

I'm also confused about Outfall 016. You state that diversions to 016 may be removed also. But he is wanting to change 016 from Post-Mining back to Alkaline due to additional grading operations within its watershed. That seems to indicate that he is anticipating increased need for this outfall, which is a contradiction to removing it. What am I missing here?

Let me know if you need any other info. I anticipate that I will be teleworking on Monday, but I should be able to access emails and return phone calls.

Thanks Jeanne, have a great weekend.

Sheri L. Jordan

Indiana Department of Environmental Management
Office of Water Quality
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100 N. Senate Avenue
Indianapolis, Indiana 46204

(317) 232-8703
sjordan@idem.in.gov

From: JORDAN, SHERI
Sent: Friday, September 23, 2016 11:24 AM
To: Huff, Todd A
Cc: JORDAN, SHERI
Subject: RE: ING040250, SMCRA S-00367 Subn Energy Hilsmeier #2 Mine modifications

Good morning Todd,

Any word on this one yet? It's been six weeks and Terry Kissel just sent me an email asking for a status.

Thanks...have a nice weekend.

Sheri L. Jordan

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From: JORDAN, SHERI
Sent: Friday, August 12, 2016 4:46 PM
To: Huff, Todd A
Cc: JORDAN, SHERI
Subject: ING040250, SMCRA S-00367 Subn Energy Hilsmeier #2 Mine modifications

Hi Todd,

I have a request from Terry Kissel regarding Sun Energy's Hilsmeier #2 Mine, on Old State Road 64, in Holland Indiana, Pike County. NPDES ING040250, SMCRA S-00367. He want to drop Outfall 010, 019, 032, and 034 (basin numbers same as outfall numbers) from permit coverage. He states that they are temporary impoundments, and that their watersheds have been revegetated for over two years and the associated diversion ditches removed. He states that alternate methods of drainage control will be utilized during removal and maintained until final bond release.

In addition he is asking to change the mine drainage status of Outfall 016 to Alkaline due to additional grading operations within the watershed.

Can your guys confirm if these changes are okay?

Thanks, and have a great weekend.